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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,194	04/22/2004	Dave Wright	SJ-12282US	5530

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EXAMINER

BARTOSIK, ANTHONY N

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,194

Applicant(s)

WRIGHT ET AL.

Examiner

Anthony N. Bartosik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 4, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of invention II (claims 16-21) in the reply filed on September 6, 2007 is acknowledged.

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Modular assembly of resin patio sections.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenfield (US 5,392,571).
4. In Re claim 1, Figures 2, 4 and 8 of Greenfield disclose an assembly of modular components with at least one of said components having a resin

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construction, said construction including a top wall (16) with a projection downwardly (17c) from said top wall (16), said assembly further including a base plate (40) which secures to said projection (17) and which provides a bottom support for said component.

5. In Re claim 2, Figure 8 of Greenfield discloses a base plate (40) that connects said one of said components to another one of said components in said assembly.

6. In Re claim 3, Figures 2 and 4 of Greenfield disclose a sidewall extending downwardly (17a, 17b) around said top wall, said sidewall (17a, 17b) having a bottom edge with a raised edge region, said base plate (40) extending from beneath said one of said components past said raised edge region to the other one of the components in said assembly.

7. In Re claim 4, Figures 2, 4, and 8 of Greenfield discloses an assembly of modular components including side by side components within said assembly, each of said side by side components having a resin construction, said resin construction of each of said components comprising a top wall (16) of the component, and a projection downwardly (17c) from the top wall (16), said assembly further including a base plate (40) which secures to the projections (17c) of the side by side components to connect them to one another.

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8. In Re claim 5, Figures 2 and 4 of Greenfield disclose a sidewall (17a, 17b) extending downwardly around said top wall (16), said sidewall (17a, 17b) having a bottom edge with a raised edge region, said base plate (40) fitting through the raised edge regions of the sidewalls (17a, 17b) of the side by side components to connect the side by side components with one another.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield (US 5,392,571) in view of Hrovath et al. (WO/31290 A1).

11. In Re claim 6, Figures 2, 4 and 8 of Greenfield teach a sidewall (17a, 17b) extending downwardly from said top wall (16) and surrounding a substantially hollow region covered by said top wall (16), said projection being located in said substantially hollow region. Greenfield, however, fails to mention the use of a replica stone member. Hrovath et al. teaches the use of a replica stone member on a resin construction component for decorative purposes. It would have been

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obvious to one skilled in the art at the time of the invention to modify the assembly of Greenfield by including the replica stone member of Hrovath et al. in order to enhance the esthetic appeal of the assembly.

12. In Re claim 7, Figure 4 of Greenfield discloses a top wall (16) that has an undersurface formed with a cellular network comprising a plurality of intersecting vertical walls which provide load support for said top wall and open pockets between said vertical walls.

13. In Re claim 8, the combination of Greenfield and Hrovath et al. teaches an undersurface of said replica stone member and said base plate that include male and female interlocks for securing said base plate to said replica stone member.

14. In Re claim 9, Figures 2, 4, and 8 of Greenfield disclose an undersurface of said replica stone member includes a plurality of downwardly projecting posts (17) to slideably engage the interlocks of said base plate (40).

15. In Re claim 10, the combination of Greenfield and Hrovath et al. teaches a replica stone member that has a one piece molded construction. Examiner notes that "molded construction" is product-by-process language and therefore not considered limiting.

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16. In Re claim 11, the combination of Greenfield and Hrovath et al. teaches posts that are dispersed among several of said open pockets of said undersurface.

17. In Re claim 12, Figure 10 of Greenfield discloses a base plate (46) that includes a plurality of upwardly projecting posts which are hollow and which slide over said downwardly projecting posts of said undersurface.

18. In Re claim 13, Figures 2, 4, 8 and 10 of Greenfield discloses posts of said base plate including internal stops which locate against said posts of said undersurface, both said internal stops and said posts of said undersurface including screw ports (21, Column 5 Lines 13-16). Examiner notes that the remaining language of the claim is functional and therefore not considered a limiting element of the claim.

19. In Re claim 14, Figures 2, 4, 8 and 10 of Greenfield along with the combination of Hrovath et al. teach a sidewall of said replica stone member that has a bottom edge with a raised edge region, said base plate further comprising a connector member for connecting attachments to said assembly, said base plate extending from said undersurface to a position exteriorly of said replica stone member through said raised edge region of sidewall.

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20. In Re claim 15, Figures 2, 4, and 8 of Greenfield disclose a base plate (40) that has a top face which mates with said cellular network, said top face comprising at least one boss (41) which fits into one of the open pockets of the cellular network, said boss (41) being surrounded by recesses to receive the vertical walls around the pocket into which the boss is fitted.

Conclusion

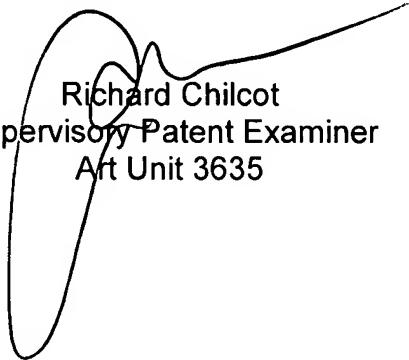
Prior art made of record but not relied upon is considered pertinent to applicant's disclosure. Hrovath et al. (US 6,925,764), Chen (US 5,630,300), Myers (US 5,283,996).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony N. Bartosik whose telephone number is 571-270-3112. The examiner can normally be reached on M-F 7:30-5:00; E.D.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Richard Chilcot
Supervisory Patent Examiner
Art Unit 3635

AB
9/2007